



Commonwealth of Kentucky Energy and Environment Cabinet

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Division for Air Quality Spurlock permit upheld in Frankfort Circuit Court

Permit protects human health and the environment

FRANKFORT, KY (Oct. 20, 2009) – In a victory for the Kentucky Division for Air Quality (DAQ) along with the Energy and Environment Cabinet (EEC), Franklin Circuit Judge Thomas Wingate Monday issued an opinion and order denying the Sierra Club's request to overturn a permit issued for Eastern Kentucky Power Cooperative Inc. (Spurlock Unit 4) in Mason County. The ruling affirmed the EEC Secretary's September 2007 decision to uphold the air quality permit.

The issues involved in the appeal included control technology and emission limits for nitrogen oxides (NOx) and the adequacy of the cabinet's public notice process. The court found that the cabinet applied the appropriate control technology to Spurlock 4. Further, the court held that the cabinet did not simply rely on older permits to determine the NOx emission limit, as alleged by the Sierra Club. Finally, the court determined that the cabinet's public notice complied with legal requirements for that process.

"The court upheld DAQ's highly technical and complex decisions regarding emission controls for a power plant, illustrating that DAQ's permits are protective of human health and the environment," said John Lyons, director of the Division for Air Quality.

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